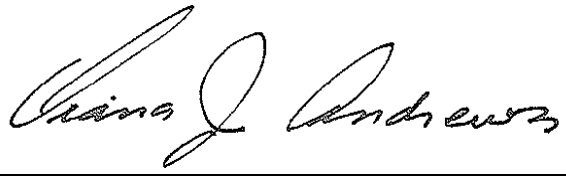
Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

Proposed

AIR QUALITY PERMIT

Issued under 401 KAR 52:020

Permittee Name:	**Electro Cycle, Inc.**
Mailing Address:	**230 Baldwin Drive, Madisonville, Kentucky 42431**
Source Name:	**same as above**
Mailing Address:	**same as above**
Source Location:	**231 Tucker School House Rd., Madisonville, Kentucky 42431**
Permit Number:	**V-05-050**
Source A. I. #:	**1880**
Activity #:	**APE20040001**
Review Type:	**Title V**
Source ID #:	**21-107-00121**
Regional Office:	**Owensboro Regional Office** **3032 Alvey Park Drive West, Suite 700** **Owensboro, KY 42303-2191** **(270) 687-7304**
County:	**Hopkins**
Application Complete Date:	**March 6, 2006**
Issuance Date:	**September 11, 2006**
Revision Date:	
Expiration Date:	**September 11, 2011**



John S. Lyons, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit Description:

Emission Point	Unit	Capacity	Construction Commenced	Control Device
EP# 01	Delacquering Kiln	35,000 TPY and 4.9 TPH 6.4 mmBTU/hr (natural gas fired burner) 4.2 mmBTU/hr (natural gas fired afterburner)	April 1990	Baghouse and afterburner with 99.3% and 99.7% control efficiency, respectively
EP# 02	Electric Induction Furnace	35,000 TPY and 4.9 TPH	May 1994	Baghouse with 99.3% control efficiency
EP# 03	Scrap Shredder	35,000 TPY and 4.9 TPH	January 1994	None
EP# 04	Pulverizer Ring Mill	35,000 TPY and 4.9 TPH	May 1992	None

APPLICABLE REGULATIONS:

401 KAR 59:010 - *New Process Operations*

40 CFR 63, Subpart RRR - *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production*

401 KAR 63:002, Section 3(1)(eee) - *40 C.F.R. 63 National Emission Standards for Hazardous Air Pollutants, Subpart RRR incorporated by reference*

1. Operating Limitations:

a. The provisions of 40 CFR 63, Subpart A - General Provisions, which are incorporated by reference in 401 KAR 63:002 Section 3 (a), apply to the delacquering kiln and the induction furnace, as a Group 1 furnace, except when otherwise specified in 40 CFR 63, Subpart RRR. [40 CFR 63, Subpart A]

b. Pursuant to §63.1500 (c), the requirements of 40 CFR 63, Subpart RRR, pertaining to dioxin and furan (D/F) emissions and associated operating, monitoring, reporting and recordkeeping requirements apply to the delacquering kiln and induction furnace, as a Group 1 furnace. Any change or modification that makes this source a major source for HAPs shall obtain prior approval and comply with §63.1500 (b).

c. The permittee shall post an easily visible label at the kiln and furnace that identifies the applicable emission limits and means of compliance, including: [40 CFR 63.1506 (b)]

1. The type of affected source or emission unit (*e.g.*, scrap dryer/delacquering kiln/decoating kiln, group 1 furnace, group 2 furnace, in-line fluxer).

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. The applicable operational standard(s) and control method(s) (work practice or control device). This includes, but is not limited to, the type of charge to be used for a furnace (*e.g.*, clean scrap only, all scrap, etc.), flux materials and addition practices, and the applicable operating parameter ranges and requirements as incorporated in the OM&M plan.

3. The afterburner operating temperature and design residence time for the kiln.

d. For the kiln, the permittee shall: [40 CFR 63.1506 (c)]

1. Design and install a system for the capture and collection of emissions to meet the engineering standards for minimum exhaust rates as published by the American Conference of Governmental Industrial Hygienists in chapters 3 and 5 of "Industrial Ventilation: A Manual of Recommended Practice" (incorporated by reference in 40 CFR 63.1502);

2. Vent captured emissions through a closed system, except that dilution air may be added to emission streams for the purpose of controlling temperature at the inlet to a fabric filter; and

3. Operate each capture/collection system according to the procedures and requirements in the OM&M plan.

e. For the delacquering kiln and electric induction furnace, the permittee shall: [40 CFR 63.1506 (d)]

1. Except as provided in paragraph (d)(3) of this Condition, install and operate a device that measures and records or otherwise determine the weight of feed/charge (or throughput) for each operating cycle or time period used in the performance test; and

2. Operate each weight measurement system or other weight determination procedure in accordance with the OM&M plan.

3. The permittee may chose to measure and record aluminum production weight from an affected source or emission unit rather than feed/charge weight to an affected source or emission unit, provided that:

A) The aluminum production weight, rather than feed/charge weight is measured and recorded for all emission units within a SAPU; and

B) All calculations to demonstrate compliance with the emission limits for SAPUs are based on aluminum production weight rather than feed/charge weight.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

f. For the delacquering kiln with emissions controlled by an afterburner and a lime-injected fabric filter, the permittee shall comply as follows: [40 CFR 63.1506 (g)]

1. For the afterburner:

A) Maintain the 3-hour block average operating temperature of each afterburner at or above the average temperature established during the performance test.

B) Operate each afterburner in accordance with the OM&M plan.

2. For the bag leak detection system used to meet the fabric filter monitoring requirements in §63.1510:

A) Initiate corrective action within 1-hour of a bag leak detection system alarm and complete any necessary corrective action procedures in accordance with the OM&M plan.

B) Operate the fabric filter system such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month block reporting period. In calculating this operating time fraction, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If the permittee takes longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken by the permittee to initiate corrective action.

3. Maintain the 3-hour block average inlet temperature for the fabric filter at or below the average temperature established during the performance test, plus 14 °C (plus 25 °F).

4. For a continuous injection device, maintain free-flowing lime in the hopper to the feed device at all times and maintain the lime feeder setting at the same level established during the performance test.

g. The permittee of the induction furnace, as a group 1 furnace without add-on air pollution control devices shall operate the furnace in accordance with the work practice/pollution prevention measures documented in the OM&M plan and within the parameter values or ranges established in the OM&M plan. [40 CFR 63.1506 (n)(2)]

h. When a process parameter or add-on air pollution control device operating parameter deviates from the value or range established during the performance test and incorporated in the OM&M plan, the permittee shall initiate corrective action. Corrective action shall restore operation of the affected source or emission unit (including the process or control device) to its normal or usual mode of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. Corrective actions taken shall include follow-up actions

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

necessary to return the process or control device parameter level(s) to the value or range of values established during the performance test and steps to prevent the likely recurrence of the cause of a deviation. [40 CFR 63.1506 (p)]

i. No painted aluminum scrap (other than beverage cans) shall be processed at this plant without written approval from the Division. [Permit Number O-93-006, Condition 8, issued on December 1, 1992]

j. The scrap processing rate shall not exceed 4.9 tons per hour and 35,000 tons per year.

***Compliance Demonstration Method*:**
The permittee shall keep hourly and annual records of total aluminum scrap processed.

k. The permittee shall not use any flux in the induction furnace.

2. Emission Limitations:

a. Mass Emission Limit pursuant to 401 KAR 59:010 Section 3(2): The allowable particulate matter emission rate, E, expressed in pounds per hour, from each affected unit, averaged over a three hour period, shall not exceed the limit calculated by the following formula:

$E = 3.59 \times P^{0.62}$

where P is the process weight rate in tons/hour. If the process weight equals or is less than 0.5 ton/hour the particulate matter emission limitation shall be 2.58 lbs/hr.

***Compliance Demonstration Method*:**
To provide reasonable assurance that the particulate matter emission limitations are being met, the permittee shall monitor the amounts and types of process weight added to each emissions unit. The process weight rate shall be determined by dividing the tons of material added to each emission unit in a calendar month divided by total hours the unit operated that month.

The average particulate emissions shall be calculated as follows:

PE = PW x PEF

Where PE = particulate emissions in average lbs/hr, PW = process weight in tons/hr, and PEF = particulate emission factor in lbs/ton of process weight.

b. Opacity Limit pursuant to 401 KAR 59:010, Section 3(1)(a): Visible emissions shall not equal or exceed 20% opacity on a 6-minute average basis.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

***Compliance Demonstration Method*:**
To provide reasonable assurance that the visible emission limitations are being met the permittee shall:

1. Perform from each stack or vent opacity readings using Reference Method 9 determine each calendar quarter, or more frequently if requested by the Division. Opacity readings shall be conducted while the emission units are operating.

2. Perform a qualitative visual observation of the opacity of emissions from each stack/vent twice per month and maintain a log of the observation. The log shall note:

   A) whether any air emissions (except for water vapor) were visible from the vent/stack, and

   B) all emission points from which visible emissions occurred.

3. Determine the opacity of emissions by Reference Method 9 if visible emissions are observed from any stack/vent.

c. For the delacquering kiln, which is equipped with an afterburner having a design residence time of at least 1 second and the afterburner is operated at a temperature of at least 750 °C (1400 °F) at all times, the permittee shall comply with the alternative limits as follows: [40 CFR 63.1505 (e)]

   1. The permittee shall not discharge or cause to be discharged to the atmosphere emissions in excess of 5.0 µg of D/F TEQ per Mg (7.0×10^{-5} gr of D/F TEQ per ton) of feed/charge from a delacquering kiln.

d. For the induction furnace, as a Group 1 furnace, the permittee shall use the limits in this condition to determine the emission standards for a SAPU, as specified in condition (e) below. [40 CFR 63.1505 (i)(1) and (6)]

   1. 15 µg of D/F TEQ per Mg (2.1×10^{-4} gr of D/F TEQ per ton) of feed/charge.

   2. The permittee may determine the emission standards for a SAPU by applying the group 1 furnace limits on the basis of the aluminum production weight in each group 1 furnace, rather than on the basis of feed/charge.

e. The permittee shall comply with the D/F emission limit calculated using the following equation for each secondary aluminum processing unit at a secondary aluminum production facility that is an area source. [40 CFR 63.1505 (k)(3),(5),(6)]

   1. The permittee shall not discharge or allow to be discharged to the atmosphere any 3-day, 24-hour rolling average emissions of D/F in excess of:

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

$$L_{C_{D/F}} = \frac{\sum_{i=1}^{n}\left(L_{ti_{D/F}} \times T_{ti}\right)}{\sum_{i=1}^{n}\left(T_{ti}\right)} \qquad (Eq.\ 3)$$

Where,

$L_{tiD/F}$ = The D/F emission limit for individual emission unit i in paragraph (d)(1) above; and

$L_{cD/F}$ = The D/F emission limit for the secondary aluminum processing unit.

2. The permittee of a SAPU at a secondary aluminum production facility that is an area source may demonstrate compliance with the emission limits of **condition e. 1. above** by demonstrating that each emission unit within the SAPU is in compliance with the emission limit of **condition d.1. above**.

3. With the prior approval of the KDAQ, the permittee may redesignate the existing furnace as a new emission unit. The unit so redesignated may thereafter be included in a new SAPU at that facility. Any such redesignation will be solely for the purpose of 40 CFR 63, Subpart RRR and will be irreversible.

3. Testing Requirements:

a. Initial compliance stack test for the delacquering kiln was conducted in August 2003 and involved testing of particulate, HCl and D/F emissions. The stack test demonstrated compliance with the applicable D/F emission limit listed in **Emission Limitations 2.c.**

b. The permittee shall conduct the initial performance tests on the induction furnace within 180 days of the date of issuance of this permit, using EPA Method 23, or Division approved alternatives, to determine compliance with D/F emissions listed in **Emission Limitations 2.c**.

c. The permittee shall perform stack testing in accordance to 401 KAR 59:005, Section 2(2), 401 KAR 50:045, Section 1 and 40 CFR 63, Subpart RRR, utilizing the methods in Appendix A to 40 CFR 60, as described in 40 CFR 63.1511(c).

4. Specific Monitoring Requirements:

a. The permittee shall prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance, and monitoring (OM&M) plan. The OM&M plan shall include: [40 CFR 63.1510 (b)]

1. Process parameters to be monitored to determine compliance, along with established operating levels or ranges, as applicable, for each process and control device.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. A monitoring schedule for each affected unit.

3. Procedures for the proper operation and maintenance of each affected unit to meet the applicable emission limits or standards in §63.1505.

4. Procedures for the proper operation and maintenance of monitoring devices or systems used to determine compliance, including:

   A) Calibration and certification of accuracy of each monitoring device, at least once every 6 months, according to the manufacturer's instructions.

5. Procedures for monitoring process and control device parameters, including procedures for annual inspections of afterburners, and the procedure used for determining charge/feed (or throughput) weight if a measurement device is not used.

6. Corrective actions to be taken when process or operating parameters or add-on control device parameters deviate from the value or range established pursuant to **Specific Monitoring Requirements 4a. 1.**, including:

   A) Procedures to determine and record the cause of an deviation or excursion, and the time the deviation or excursion began and ended; and

   B) Procedures for recording the corrective action taken, the time corrective action was initiated, and the time/date corrective action was completed.

7. A maintenance schedule for each process that is consistent with the manufacturer's instructions and recommendations for routine and long-term maintenance.

b. The permittee shall inspect the labels for the induction furnace and kiln at least once per calendar month to confirm that posted labels as required by the operational standard in §63.1506(b) are intact and legible. [40 CFR 63.1510 (c)]

c. The permittee shall: [40 CFR 63.1510 (d)]

   1. Install, operate, and maintain a capture/collection system for the kiln since it equipped with an add-on air pollution control device; and
   2. Inspect each capture/collection and closed vent system at least once each calendar year to ensure that each system is operating in accordance with the operating requirements in §63.1506(c) and record the results of each inspection.

d. For each of the kiln and induction furnace subject to an emission limit in kg/Mg (lb/ton) or µg/Mg (gr/ton) of feed/charge, the permittee shall install, calibrate, operate, and maintain a device to measure and record the total weight of feed/charge to, or the aluminum production from, the affected source or emission unit over the same operating cycle or time period used in the performance test. Feed/charge or aluminum production within SAPUs shall be measured and recorded

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

on an emission unit-by-emission unit basis. As an alternative to a measurement device, the permittee may use a procedure acceptable to the Division to determine the total weight of feed/charge or aluminum production to the affected source or emission unit. [40 CFR 63.1510 (e)]

e. The permittee of an affected source or emission unit, including electric induction furnace, using a fabric filter or lime-injected fabric filter to comply with the requirements of 40 CFR 63, Subpart RRR shall install, calibrate, maintain, and continuously operate a bag leak detection system as required in condition e.1. below. [40 CFR 63.1510 (f)]

1. These requirements apply to the permittee of a new or existing affected source or existing emission unit using a bag leak detection system.

2. The owner or operator shall install and operate a bag leak detection system for each exhaust stack of a fabric filter.

3. Each triboelectric bag leak detection system shall be installed, calibrated, operated, and maintained according to the "Fabric Filter Bag Leak Detection Guidance," (September 1997). This document is available from the U.S. Environmental Protection Agency; Office of Air Quality Planning and Standards; Emissions, Monitoring and Analysis Division; Emission Measurement Center (MD–19), Research Triangle Park, NC 27711. This document also is available on the Technology Transfer Network (TTN) under Emission Measurement Technical Information (EMTIC), Continuous Emission Monitoring. Other bag leak detection systems shall be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

4. The bag leak detection system shall be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

5. The bag leak detection system sensor shall provide output of relative or absolute PM loadings.

6. The bag leak detection system shall be equipped with a device to continuously record the output signal from the sensor.

7. The bag leak detection system shall be equipped with an alarm system that will sound automatically when an increase in relative PM emissions over a preset level is detected. The alarm shall be located where it is easily heard by plant operating personnel.

8. For positive pressure fabric filter systems, a bag leak detection system shall be installed in each baghouse compartment or cell. For negative pressure or induced air fabric filters, the bag leak detector shall be installed downstream of the fabric filter.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

9. Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

10. The baseline output shall be established by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time.

11. Following initial adjustment of the system, the owner or operator shall not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time except as detailed in the OM&M plan. In no case may the sensitivity be increased by more than 100 percent or decreased more than 50 percent over a 365-day period unless such adjustment follows a complete fabric filter inspection which demonstrates that the fabric filter is in good operating condition.

f. The delacquering kiln which uses an afterburner shall comply with the following requirements: [40 CFR 63.1510 (g)]

1. The permittee shall install, calibrate, maintain, and operate a device to continuously monitor and record the operating temperature of the afterburner consistent with the requirements for continuous monitoring systems in 40 CFR 63, subpart A.

2. The temperature monitoring device shall meet each of these performance and equipment specifications:

A) The temperature monitoring device shall be installed at the exit of the combustion zone of each afterburner.

B) The monitoring system shall record the temperature in 15-minute block averages and determine and record the average temperature for each 3-hour block period.

C) The recorder response range shall include zero and 1.5 times the average temperature established according to the requirements in §63.1512(m).

D) The reference method shall be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system or alternate reference, subject to approval by the Administrator.

3. The permittee shall conduct an inspection of each afterburner at least once a year and record the results. At a minimum, an inspection shall include:

A) Inspection of all burners, pilot assemblies, and pilot sensing devices for proper operation and clean pilot sensor;

B) Inspection for proper adjustment of combustion air;

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

C) Inspection of internal structures (*e.g.,* baffles) to ensure structural integrity;

D) Inspection of dampers, fans, and blowers for proper operation;

E) Inspection for proper sealing;

F) Inspection of motors for proper operation;

G) Inspection of combustion chamber refractory lining and clean and replace lining as necessary;

H) Inspection of afterburner shell for corrosion and/or hot spots;

I) Documentation, for the burn cycle that follows the inspection, that the afterburner is operating properly and any necessary adjustments have been made;

J) Verification that the equipment is maintained in good operating condition; and

K) Following an equipment inspection, all necessary repairs shall be completed in accordance with the requirements of the OM&M plan.

g. The permittee of delacquering kiln and induction furnace using a lime-injected fabric filter shall comply with the following requirements: [40 CFR 63.1510 (h)]

1. The permittee shall install, calibrate, maintain, and operate a device to continuously monitor and record the temperature of the fabric filter inlet gases consistent with the requirements for continuous monitoring systems in 40 CFR 63, subpart A.

2. The temperature monitoring device shall meet each of these performance and equipment specifications:

A) The monitoring system shall record the temperature in 15-minute block averages and calculate and record the average temperature for each 3-hour block period.

B) The recorder response range shall include zero and 1.5 times the average temperature established according to the requirements in §63.1512(n).

C) The reference method shall be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system or alternate reference, subject to approval by the Administrator.

h. The lime-injected fabric filter shall comply with the following requirements: [40 CFR 63.1510 (i)]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1. The permittee of a continuous lime injection system shall verify that lime is always free-flowing by either:

   A) Inspecting each feed hopper or silo at least once each 8-hour period and recording the results of each inspection. If lime is found not to be free-flowing during any of the 8-hour periods, the permittee shall increase the frequency of inspections to at least once every 4-hour period for the next 3 days. The permittee may return to inspections at least once every 8 hour period if corrective action results in no further blockages of lime during the 3-day period; or

   B) Subject to the approval of KDAQ, installing, operating and maintaining a load cell, carrier gas/lime flow indicator, carrier gas pressure drop measurement system or other system to confirm that lime is free-flowing. If lime is found not to be free-flowing, the permittee shall promptly initiate and complete corrective action, or

   C) Subject to the approval of KDAQ, installing, operating and maintaining a device to monitor the concentration of HCl at the outlet of the fabric filter. If an increase in the concentration of HCl indicates that the lime is not free-flowing, the permittee shall promptly initiate and complete corrective action.

2. The permittee of a continuous lime injection system shall record the lime feeder setting once each day of operation.

3. The permittee who intermittently adds lime to a lime coated fabric filter shall obtain approval from KDAQ for a lime addition monitoring procedure. The KDAQ will not approve a monitoring procedure unless data and information are submitted establishing that the procedure is adequate to ensure that relevant emission standards will be met on a continuous basis.

i. For the kiln and induction furnace, the permittee shall include, within the OM&M plan prepared in accordance with §63.1510(b), the following information: [40 CFR 63.1510 (s)]

   1. The identification of each emission unit in the secondary aluminum processing unit;

   2. The specific control technology or pollution prevention measure to be used for each emission unit in the secondary aluminum processing unit and the date of its installation or application;

   3. The emission limit calculated for each secondary aluminum processing unit and performance test results with supporting calculations demonstrating initial compliance with each applicable emission limit;

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Information and data demonstrating compliance for each emission unit with all applicable design, equipment, work practice or operational standards of this subpart; and

5. The monitoring requirements applicable to each emission unit in a secondary aluminum processing unit and the monitoring procedures for daily calculation of the 3-day, 24-hour rolling average using the procedure in §63.1510(t).

6. The SAPU compliance procedures within the OM&M plan may not contain any of the following provisions:

   A) Any averaging among emissions of differing pollutants;

   B) The inclusion of any affected sources other than emission units in a secondary aluminum processing unit;

   C) The inclusion of any emission unit while it is shutdown; or

   D) The inclusion of any periods of startup, shutdown, or malfunction in emission calculations.

7. To revise the SAPU compliance provisions within the OM&M plan prior to the end of the permit term, the permittee shall submit a request to the Division containing the information required by **Specific Monitoring Requirements i.** and obtain approval of the Division prior to implementing any revisions.

j. For each secondary aluminum processing unit, the emission rates in lb/ton of feed/charge for D/F established during the performance test for each emission unit shall be used for compliance monitoring in the calculation of the 3-day, 24-hour rolling average emission rates using the equation below: [40 CFR 63.1510(t)]

$$E_{Day} = \sum_{i=1}^{n} (ER_i \times T_i) / \sum_{i=1}^{n} T_i$$

Where,

E_{Day} = The daily D/F emission rate for the secondary aluminum processing unit for the 24-hour period.
T_i = The total amount of feed, or aluminum produced, for emission unit i for the 24-hour period (tons).
ER_i = The measured emission rate for emission unit i as determined in the performance test (lb/ton of feed/charge)
n = The number of emission units in the secondary aluminum processing

k. As an alternative to the procedures of **condition 4.j.** above, the permittee may demonstrate, through performance tests, that each individual emission unit within the secondary aluminum production unit is in compliance with the applicable emission limits for the emission unit. [40 CFR 63.1510(u)]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

l. The permittee shall monitor and record the pressure drop across each baghouse on a weekly basis.

5. Specific Record Keeping Requirements:

a. Records shall be maintained of the twice monthly visual observations, the calendar quarter observations by Reference Method 9, the amounts and types of process weight added to each emissions unit and the hours of operation.

b. As required by §63.10(b), the permittee shall maintain files of all information (including all reports and notifications) required by 40 CFR 63, Subpart A and the records specified in **Specific Monitoring Requirements 4**., as required by Subpart RRR. [40 CFR 63.1517(a)]

1. The permittee shall retain each record for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The most recent 2 years of records shall be retained at the facility. The remaining 3 years of records may be retained off site;

2. The permittee may retain records on microfilm, computer disks, magnetic tape, or microfiche; and

3. The permittee may report required information on paper or on a labeled computer disk using commonly available and EPA-compatible computer software.

c. In addition to the general records required by §63.10(b), the permittee shall maintain records of: [40 CFR 63.1517(b)]

1. For the kiln with emissions controlled by a lime-injected fabric filter:

A) For the bag leak detection system, the number of total operating hours for the affected source or emission unit during each 6-month reporting period, records of each alarm, the time of the alarm, the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action(s) taken.

2. For the kiln with emissions controlled by an afterburner:

A) Records of 15-minute block average afterburner operating temperature, including any period when the average temperature in any 3-hour block period falls below the compliant operating parameter value with a brief explanation of the cause of the excursion and the corrective action taken; and

B) Records of annual afterburner inspections.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. For the kiln, subject to D/F emission standards with emissions controlled by a lime-injected fabric filter, records of 15-minute block average inlet temperatures for each lime-injected fabric filter, including any period when the 3-hour block average temperature exceeds the compliant operating parameter value +14 °C (+25 °F), with a brief explanation of the cause of the excursion and the corrective action taken.

4. For the kiln with emissions controlled by a lime-injected fabric filter:

   A) Records of inspections at least once every 8-hour period verifying that lime is present in the feeder hopper or silo and flowing, including any inspection where blockage is found, with a brief explanation of the cause of the blockage and the corrective action taken, and records of inspections at least once every 4-hour period for the subsequent 3 days. If flow monitors, pressure drop sensors or load cells are used to verify that lime is present in the hopper and flowing, records of all monitor or sensor output including any event where blockage was found, with a brief explanation of the cause of the blockage and the corrective action taken;

   B) If lime feeder setting is monitored, records of daily inspections of feeder setting, including records of any deviation of the feeder setting from the setting used in the performance test, with a brief explanation of the cause of the deviation and the corrective action taken.

   C) If lime addition rate for a noncontinuous lime injection system is monitored pursuant to the approved alternative monitoring requirements in §63.1510(v), records of the time and mass of each lime addition during each operating cycle or time period used in the performance test and calculations of the average lime addition rate (lb/ton of feed/charge).

5. For the induction furnace, records of 15-minute block average weights of gaseous or liquid reactive flux injection, total reactive flux injection rate and calculations (including records of the identity, composition, and weight of each addition of gaseous, liquid or solid reactive flux), including records of any period the rate exceeds the compliant operating parameter value and corrective action taken.

6. For each emission unit subject to an emission standard in kg/Mg (lb/ton) of feed/charge, records of feed/charge (or throughput) weights for each operating cycle or time period used in the performance test.

7. Approved site-specific monitoring plan for the induction furnace with records documenting conformance with the plan.

8. Records of monthly inspections for proper unit labeling for each affected source and emission unit subject to labeling requirements.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

9. Records of annual inspections of emission capture/collection and closed vent systems.

10. Records for any approved alternative monitoring or test procedure.

11. Current copy of all required plans, including any revisions, with records documenting conformance with the applicable plan, including:

    A) Startup, shutdown, and malfunction plan; and

    B) OM&M plan.

    C) Site-specific secondary aluminum processing unit emission plan (if applicable).

12. For each secondary aluminum processing unit, records of total charge weight, or if the owner or operator chooses to comply on the basis of aluminum production, total aluminum produced for each 24-hour period and calculations of 3-day, 24-hour rolling average emissions.

d. The permittee shall keep a weekly log of the pressure drop across each baghouse as required under **Specific Monitoring Requirements 4.k**.

e. A weekly log of the following information shall be kept for each baghouse:
   1. Whether any air emissions (except for water vapor) were visible.

   If visible emissions are observed, the permittee shall record the following information:
   2. Whether the visible emissions were normal for the process.
   3. The color of the emissions and whether the emissions were light or heavy.
   4. The cause of the abnormal visible emissions.
   5. Any corrective actions taken.

f. During all periods of malfunction of any listed emission unit, a daily (calendar day) log of the following information shall be kept:
   1. Whether any air emissions were visible.

   If visible emissions are observed, the permittee shall record the following information:
   2. Whether the visible emissions were normal for the process.
   3. The color of the emissions and whether the emissions were light or heavy.
   4. The cause of the abnormal visible emissions.
   5. Any corrective actions taken.

g. The permittee shall maintain record of the source of aluminum scrap and make this record available to the Division personnel upon request. [Permit Number O-93-006, Condition 10, issued on December 1, 1992]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

a. Any exceedance over the opacity and particulate emissions as stated in **Emission Limitations 2.**, shall be reported to the Division as specified in Section F (6). The company shall also certify to the Division, annually, that a daily visible emission survey is conducted and the specified records are being kept for this emission point. If more than two exceedances occur in any rolling six months, the permittee shall submit to the Division's Owensboro Regional Office no later than 30 days from the second exceedance a corrective action plan for the Division's approval.

b. Startup, shutdown and malfunction plan/report: The permittee shall develop and implement a written plan that contains specific procedures to be followed for operating and maintaining the source during periods of startup, shutdown, and malfunction, and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the standard. The permittee shall also keep records of each event as required by §63.10(b) and record and report if an action taken during a startup, shutdown, or malfunction is not consistent with the procedures in the plan as described in §63.6(e)(3). In addition to the information required in §63.6(e)(3), the plan shall include: [40 CFR 63.1516 (a)]

1. Procedures to determine and record the cause of the malfunction and the time the malfunction began and ended; and

2. Corrective actions to be taken in the event of a malfunction of a process or control device, including procedures for recording the actions taken to correct the malfunction or minimize emissions.

c. Excess emissions/summary report: The permittee shall submit semiannual reports within 60 days after the end of each 6-month period. Each report shall contain the information specified in §63.10(c). When no deviations of parameters have occurred, the permittee shall submit a report stating that no excess emissions occurred during the reporting period. [40 CFR 63.1516 (b)]

1. A report shall be submitted if any of these conditions occur during a 6-month reporting period:

A) The corrective action specified in the OM&M plan for a bag leak detection system alarm was not initiated within 1 hour;

B) An excursion of a compliant process or operating parameter value or range (lime injection rate or screw feeder setting, afterburner operating temperature, fabric filter inlet temperature, definition of acceptable scrap, or other approved operating parameter);

C) An action taken during a startup, shutdown, or malfunction was not consistent with the procedures in the plan as described in §63.6(e)(3);

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

D) An affected source (including an emission unit in a secondary aluminum processing unit) was not operated according to the requirements of subpart RRR; and

E) A deviation from the 3-day, 24-hour rolling average emission limit for a secondary aluminum processing unit.

2. The permittee shall submit the results of any performance test conducted during the reporting period, including one complete report documenting test methods and procedures, process operation, and monitoring parameter ranges or values for each test method used for a particular type of emission point tested. [40 CFR 63.1516 (b)(3)]

d. For the purpose of annual certifications of compliance required by Section F.9, the permittee shall certify continuing compliance based upon, but not limited to, the following conditions: [40 CFR 63.1516 (c)]

1. Any period of excess emissions, as defined in paragraph (c)(1) of this Condition, that occurred during the year were reported as required by Subpart RRR; and
2. All monitoring, recordkeeping, and reporting requirements were met during the year.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee shall comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	Description	Generally Applicable Regulation
1.	Scrap Handling Process	401 KAR 59:010
2.	Dross Storage	401 KAR 63:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

2. Particulate matter and Dioxin/Furan (D/F) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

3. In order to preclude the requirements of 401 KAR 51:017, plant wide particulate matter (PM/PM10) emissions shall be less than 90 tons per rolling 12 months period.

***Compliance Demonstration Method*:**

Monthly emissions shall be calculated and be kept available at plant, and shall be used to calculate the annual emission rate.

Monthly PM/PM10 Emission Rate = $\sum_{i=1}^{n}$ [Monthly throughput rate x Emission factor listed in Kentucky Emissions Inventory]

Where i is the particulate generating emission point.

Yearly PM/PM10 Emission Rate = 12 month rolling total of monthly emissions

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
    a. Date, place as defined in this permit, and time of sampling or measurements;
    b. Analyses performance dates;
    c. Company or entity that performed analyses;
    d. Analytical techniques or methods used;
    e. Analyses results; and
    f. Operating conditions during time of sampling or measurement.

2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
    a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
    b. To access and copy any records required by the permit:
    c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

    Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.

7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
    a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
    b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.

8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
    a. Identification of the term or condition;
    b. Compliance status of each term or condition of the permit;
    c. Whether compliance was continuous or intermittent;
    d. The method used for determining the compliance status for the source, currently and over the reporting period.
    e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
    f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Drive West, Suite 700
Owensboro, KY 42303-2191

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].

2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
   a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
   b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
   c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

   Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].

11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.

13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].

14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].

15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
    a. Applicable requirements that are included and specifically identified in the permit and
    b. Non-applicable requirements expressly identified in this permit.

17. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].

2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).

2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements
None

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
   a. An emergency occurred and the permittee can identify the cause of the emergency;
   b. The permitted facility was at the time being properly operated;
   c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
   d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
   e. This requirement does not relieve the source of other local, state or federal notification requirements.

2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].

3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

   RMP Reporting Center
   P.O. Box 1515
   Lanham-Seabrook, MD 20703-1515.

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
   a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
   b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
   c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
   d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
   e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
   f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None